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Supreme Court, U. S.
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CHARLES ELMORE CROPLEY
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1938.

No. 591

BETHLEHEM STEEL COMPANY,

Petitioner,

against

ANGLO-CONTINENTALE TREUHAND, A. G., a Liechtenstein corporation, N. V. ANGLO-CONTINENTALE TRUST MAATSCHAPPIJ (ANGLO-CONTINENTAL TRUST COMPANY), a Netherlands corporation, MONDIALE HANDELS-UND VERWALTUNGS, A. G., a Liechtenstein corporation, and HYDROPRESS HANDELS, A. G., a Liechtenstein corporation,

Respondents.

MOTION FOR ORDER STAYING ISSUANCE OF MANDATE, AND EXHIBIT THERETO.

HARRY HOFFMAN,
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30 Pine Street,
New York, N. Y.

HARRY HOFFMAN,
CLIFFORD R. SCHUMAN,
of Counsel.

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MOTION FOR ORDER STAYING ISSUANCE OF MANDATE.

May it please this Honorable Court:

Now come the above-named Respondents, ANGLO-CONTINENTALE TREUHAND, A. G., a Liechtenstein corporation, N. V. ANGLO-CONTINENTALE TRUST MAATSCHAPPIJ (ANGLO-CONTINENTAL TRUST COMPANY), a Netherlands corporation, MONDIALE HANDELS-UND VERWALTUNGS, A. G., a Liechtenstein corporation, and HYDROPRESS HANDELS, A. G., a Liechtenstein

corporation, by HARRY HOFFMAN, their counsel, and present this, their motion for an order staying the issuance of the mandate of this Honorable Court herein, and in support thereof respectfully show:

1. This cause, together with *Guaranty Trust Company of New York* v. *Henwood et al.* (No. 384) and *Chemical Bank & Trust Company* v. *Henwood et al.* (No. 495) and *Bethlehem Steel Company* v. *Zurich General Accident & Liability Insurance Company, Limited* (No. 590), was argued during the week of February 6, 1939, and by order of this Court entered April 17, 1939, was restored to the docket and assigned for reargument on April 24, 1939, and was reargued during the week of April 24, 1939.

2. On May 22, 1939, the opinions of Mr. Justice Black, writing for a majority of this Court, were delivered in all of the above-mentioned causes (... U. S. ...).

3. On the same day the dissenting opinion of Mr. Justice Stone, concurred in by the Chief Justice, Mr. Justice McReynolds and Mr. Justice Butler, was delivered in Nos. 384 and 495, and the dissent of the four last-mentioned Justices was noted to the opinion in Nos. 590 and 591, the dissent being based upon "reasons stated in the opinion of Mr. Justice Stone in No. 384 * * *" (... U. S. ...).

4. This motion is made pursuant to Rule XXXIV of the Rules of the Supreme Court of the United States.

5. The reason why this motion is made, and the good cause upon which Respondents rely for the granting thereof, is that Respondents intend to present to this Court a petition for rehearing pursuant to Rule XXXIII, and that if such rehearing is granted, and the Court should thereafter change its determination, it would not be in order for a mandate to issue upon the present decision, and harm would accrue to Respondents by reason of the entry of judgment against them.

A copy of said petition for rehearing, setting forth the grounds relied upon by Respondents for the granting thereof, is hereto annexed and made a part hereof.

6. Less than twenty-five days have expired from the date of the entry of judgment herein, Respondents have received no notice of an application to shorten the time for the issuance of said mandate, and to the best of the knowledge, information and belief of Respondents, the mandate of this Honorable Court has not yet issued herein. Such knowledge, information and belief is based upon a telegram from the Clerk of this Court dated May 25, 1939.

For the foregoing reasons it is respectfully requested that this motion for an order staying the issuance of the mandate of this Honorable Court be granted, and that an order issue out of this Honorable Court staying the issuance of the mandate herein pending the hearing and determination of Respondents' petition for rehearing, and pending the determination of this Court upon such rehearing, if granted, and pending the further order of this Honorable Court.

And Respondents pray for such other, further and different relief as to this Honorable Court may seem just and proper in the premises.

Written notice of Respondents' intention to make the foregoing motion was given to Frederick H. Wood, Esq., and Messrs. Cravath, deGersdorff, Swaine & Wood, counsel and attorneys for Petitioner herein, by letter dated May 24, 1939, and mailed on that day.

Dated, New York, May 25, 1939.

HARRY HOFFMAN,
Counsel for Respondents,
30 Pine Street,
New York, N. Y.

HARRY HOFFMAN,
CLIFFORD R. SCHUMAN,
of Counsel.